

## 21 C.J.S. Courts § 31

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### Courts

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### II. Jurisdiction of Courts

#### C. Jurisdiction of Subject Matter or Cause of Action

##### 2. Amount in Controversy Within Subject Matter Jurisdiction

##### b. Determination of Amount in Controversy Within Subject Matter Jurisdiction

§ 31. Costs included as amount in controversy for subject matter jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  121(5), 169(4)

**In general, costs, including protest fees, do not constitute a part of the amount in controversy for jurisdictional purposes, but when they are included in a judgment which is the subject of another and independent suit, they are a part of the amount in controversy.**

In some states, costs incident to a judicial proceeding are not a part of the recovery claimed and are not considered in determining the amount in controversy as bearing on the jurisdiction of the court<sup>1</sup> although costs included in a demand as a component of the original amount sought and awarded in a prior action are part of the amount in controversy, as opposed to costs accruing in the present action.<sup>2</sup>

Other states include court costs in the instant proceeding for purposes of the jurisdictional amount calculation.<sup>3</sup>

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## Footnotes

- 1 Haw.—*Jen-Pac Travel Service, Inc. v. Fung Lee Kwong Co., Ltd.*, 72 Haw. 228, 814 P.2d 393 (1991).  
  
Ohio—*Schultz v. Wurdlow*, 2012-Ohio-3163, 2012 WL 2859914 (Ohio Ct. App. 10th Dist. Franklin County 2012).  
  
Wis.—*Reusch v. Roob*, 2000 WI App 76, 234 Wis. 2d 270, 610 N.W.2d 168 (Ct. App. 2000).
- 2 Ohio—*Bowling v. Stafford & Stafford Co., L.P.A.*, 2008-Ohio-3768, 2008 WL 2924738 (Ohio Ct. App. 1st Dist. Hamilton County 2008).
- 3 Tex.—*Terra XXI, Ltd. v. AG Acceptance Corp.*, 280 S.W.3d 414 (Tex. App. Amarillo 2008).

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